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SHIRLEY E. FAUST, CLERK

Deputy

10 MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

11 ARLENE JOSEPH,

12 Plaintiff,

13 vs.

14 LINEHAUL LOGISTICS, INC.,

15 Defendant.

Dept. No. 3 John W. Larson

Cause No. ~~DV-10~~ DV-11-578

COMPLAINT

16 COMES NOW the Plaintiff, Arlene Joseph, by and through her
17 attorneys Antonioli and Wade, P.C. of Missoula, Montana, and alleges as
18 follows:

19 1. Plaintiff is a resident of Missoula County, Montana, residing in
20 Missoula, Montana.

21 2. Defendant LineHaul Logistics, Inc. is a Montana corporation
22 with its principal place of business in Missoula, Montana.

23 3. Plaintiff was employed by Defendant as a senior consultant
24 from July 2003 until she was wrongfully discharged on April 27, 2011.

25 4. Plaintiff was a non-exempt employee for federal wage and hour
26 purposes. Plaintiff regularly worked 10-12 hours per week, Monday
27 through Friday and additional time on the weekends. However, Defendant
28 failed to pay Plaintiff any overtime.

5. Plaintiff had successfully completed her probationary period of

Complaint

Page 1

Exhibit A

1 employment.

2 6. Plaintiff satisfactorily performed all of her duties and
3 responsibilities for Defendant.

4 7. In late 2010 and early 2011 Plaintiff was subjected to an
5 extremely hostile work environment. Her situation was so severe that she
6 was forced to retain counsel to represent her.

7 8. By letters dated April 20 and April 27th, 2011 Defendant was
8 notified that Plaintiff believed she had been subjected to a hostile work
9 environment. In addition, said letters reported to Defendant that Plaintiff
10 was in violation of wage and hour laws and that Plaintiff was entitled to be
11 paid all overtime wages due her.

12 9. In response to the reports of wage and hour violations, on April
13 27, 2011 Stuart W. Looney, President of Defendant, immediately
14 terminated Plaintiff's employment.

15 **COUNT ONE**
WRONGFUL DISCHARGE - LACK OF GOOD CAUSE

16 10. Plaintiff recites and realleges paragraphs 1-19 as though set
17 forth at this point verbatim.

18 11. Defendant wrongfully terminated Plaintiff's employment without
19 good cause.

20 12. As a result of said wrongful discharge, Plaintiff has suffered
21 damages in the form of lost wages and lost fringe benefits, and she will
22 incur expenses in attempting to locate alternative employment.

23 13. Plaintiff is entitled to an award of her damages as allowed by
24 law in an amount to be determined at the time of trial.

25 **COUNT TWO**
WRONGFUL DISCHARGE - RETALIATION

26 14. Plaintiff recites and realleges paragraphs 1 through 9 as though
27 set forth at this point verbatim.
28

1 15. Defendant retaliated against Plaintiff first when she reported a
2 violation of wage and hour laws.

3 16. As a result of said termination and wrongful discharge, Plaintiff
4 has suffered damages in the form of lost wages and lost fringe benefits,
5 and will incur expenses in attempting to locate alternative employment.

6 17. Plaintiff is entitled to an award of her damages as allowed
7 under Montana law in an amount to be determined at the time of trial.

8
9 **COUNT THREE**
 VIOLATION OF WAGE AND HOUR LAWS

10 18. Plaintiff recites and realleges paragraphs 1 through 9 as though
11 set forth at this point verbatim.

12 19. Defendant failed to pay to Plaintiff all of the overtime wages
13 which were due him.

14 20. Defendant's refusal to pay said wages was willful.

15 21. Defendant's failure to pay all overtime wages to Plaintiff is a
16 violation of federal wage and hour laws.

17 22. Plaintiff is entitled to all overtime wages which are due, but
18 unpaid, plus a penalty of 100% of all wages due as allowed by law, plus all
19 of Plaintiff's reasonable and necessary attorney's fees and expenses in an
20 amount to be determined at the time of trial.

21 **WHEREFORE**, Plaintiff requests judgment be awarded against
22 Defendant as follows:

- 23 1. On Count One for damages in an amount to be determined at
24 the time of trial;
- 25 2. On Count Two for damages in an amount to be determined at
26 the time of trial;
- 27 3. On Count Three for damages in an amount to be determined at
28 the time of trial;

4. For Plaintiff's costs and attorney fees; and
5. Any other relief this Court deems just and proper.

DATED this 2ND day of May, 2011.

ANTONIOLI and WADE, P.C.


Stacey Waidale-Wade